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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,253	02/17/2004	Jay Garfunkle	03-703	9648

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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP  
300 S. WACKER DRIVE  
32ND FLOOR  
CHICAGO, IL 60606

EXAMINER

EPPS, TODD MICHAEL

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/780,253	<b>Applicant(s)</b> GARFUNKLE, JAY	
	<b>Examiner</b> Todd M. Epps	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/21/05</u> . | 6) <input type="checkbox"/> Other: _____  |

A.W

This is the second Office Action **final** for serial number 10/780,253, Table Base, filed on February 17, 2004.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

Claims 1-10, 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,010,922 to Heller et al. (Heller).

Heller '922 discloses a base (12) having an aperture with internal threads (fig. 2); a spider plate (22) having an aperture with internal threads (fig. 1); and a column (10) having an external surface, a first end having threads on the external surface (fig. 2), a second end having threads on the external surface (fig. 2); wherein the base (12) has a central hub surrounding the aperture (fig. 2), and has a plurality of support veins (50); wherein each of the plurality of support veins terminates in a floor pad (90); wherein the central hub of the spider plate is adapted to receive a set screw (28); wherein the spider plate (22) has a central hub surrounding the aperture (fig. 1-2), and has a plurality of support arms (25); wherein each of the plurality of support arms (25) has a plurality of screw holes (36); wherein the central hub of the spider plate (22) is adapted to receive a set screw (fig. 2); wherein the base and spider plate are manufactured from iron, and how the iron is formed is a limitation on the method of making not on the product; and

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wherein the column is a tube, and is manufactured from steel, and wherein the base and the spider plate are unitary structure. However, Heller '922 teaches the previous invention failing to specifically teach a first set screw for engaging the first column end to the corresponding base and a second set screw for engaging the second column end to the spider plate, wherein the set screw is oriented radially to the column end, and wherein the column is adapted to received the set screw.

Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have first and second set screws at both column ends wherein doing so would provide thereof for superior mounting and to lock the column ends to the corresponding base and spider plate.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heller '922 in view of U.S. Patent No. 4,081,012 to Wallace.

Regarding claim 11, Heller '922 teaches the previous invention wherein the column having threads on the external surface on both ends, but fails to specifically teach threads having an adhesive. Nevertheless, Wallace '012 teaches the well-known concept of having an adhesive on threads (fig. 1). Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have modified the threads of Heller '922 with an adhesive on threads as in Wallace '012 so as to provide for superior mounting of the column on a vertically extending object.

***Response to Arguments***

Applicant's arguments filed November 21, 2005 have been fully considered but they are not persuasive.

With the reference to the office action above, Heller '922 teaches the previous invention failing to specifically teach a first set screw for engaging the first column end to the corresponding base and a second set screw for engaging the second column end to the spider plate. Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have first and second set screws at both column ends wherein doing so would provide thereof for superior mounting and to lock the column ends to the corresponding base and spider plate.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is 571-272-8282. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Todd M. Epps  
Patent Examiner  
Art Unit 3632  
January 18, 2006

 1/19/06  
ROBERT P. OLSZEWSKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600